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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,383	03/24/2004	Steven T. Fink	071469-0308803	3335
909	7590	09/19/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP				PATEL, PARESH H
P.O. BOX 10500				
MCLEAN, VA 22102				
				ART UNIT
				PAPER NUMBER
				2829

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,383	FINK, STEVEN T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Parekh Patel	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) 4-6 and 9-11 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,7,8 and 12-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election with traverse of Species of fig. 3 (claims 1-3, 7-8 and 12-16) in the reply filed on 08/01/2005 is acknowledged. The traversal is on the ground(s) that between different species have a common feature i.e. the probe. Accordingly, no undue burden on the Examiner to examiner each of the species. This is not found persuasive because they are different and patentably distinct inventions. Examiner agrees that the probe is a common feature, but its use in different environment is different species. However, as indicated in the last office action "Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)."
2. Claim 8 is withdrawn because it reads on non-elected Species (i.e. fig. 2).
3. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

4. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 should depend from claim 1.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 7, 12-16 rejected under 35 U.S.C. 102(b) as being anticipated by Deutsch et al. (US 3309664).

Regarding claims 1, 13 and 15, Deutsch et al. (hereafter Deutsch) in fig 1-4 discloses an apparatus for monitoring the connection status of a connector, said apparatus comprising:

a first apparatus [12];

a second apparatus [48] configured to be electrically and mechanically coupled to said first apparatus;

a mounting device [36] located within said first apparatus; and

a probe [32,24, 26, 38, 18] configured to be mounted within said mounting device;

wherein said probe is electrically [via 40] coupled to said second apparatus [to 56] when said first apparatus and said second apparatus are coupled and when said first apparatus and said second apparatus are separated, said probe disengages from said second apparatus to signal disconnection between said first apparatus and said second apparatus.

Regarding claims 2, 14 and 16 Deutsch discloses a controller (a supply of energy for claim 14) [64, 66, 68, 70] coupled to said probe, said controller being configured to provide power to said first apparatus [via 21] and said second apparatus [via 60] and disconnect power between said first apparatus and said second apparatus when said probe disengages [when door opens] from said second apparatus to signal disconnection [via lamp 62] between said first apparatus and said second apparatus.

Regarding claim 7, Deutsch discloses said probe further includes a spring [38] which is configured to force said probe to contact said second apparatus when said first apparatus and said second apparatus are coupled.

Regarding claim 12, Deutsch discloses said probe further includes a spring [38] which is configured to force said probe to contact said second apparatus when said first apparatus and said second apparatus are coupled.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Deutsch as applied to claim 1 above.

Regarding claim 3, Deutsch discloses all the elements but is silent about an insulator around said probe. It would have been an obvious matter of design choice to

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use insulation around the probe to protect the probe from external bias or corrosion.

Since applicant has not disclosed that use of insulation solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with apparatus of Deutsch.

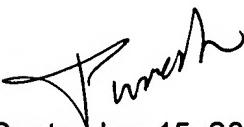
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 571-272-1968. The examiner can normally be reached on 8:00 to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 571-272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paresh Patel  
Primary Examiner  
Art Unit 2829

  
September 15, 2005